

To: The Mayor and members of the Sunnyvale City Council

From: Councilmember Hamilton

Re: Maternity leave

According to conversations I had with staff two years ago when I was pregnant with my first child, elected officials are not subject to the provisions of state and federal laws governing family leave. As such, all leaves are governed by the city charter.

The charter does not deal directly with maternity leave, but does address the issue of councilmember leaves. The Sunnyvale City Charter, Article VI, Sec. 604, states, in part, "In addition to any other cause from which vacancies in the City Council may occur, the office of a member of the city council shall become vacant and it shall be so declared by the Council where such member is absent from all regular meetings of the Council for a period of sixty (60) days consecutively from and after that last regular Council meeting attended by such member, unless by permission of the Council expressed in its official minutes..."

Essentially, the charter allows for leaves of up to sixty days from the date of the last regular attended meeting, or whatever council will allow as discussed in a public meeting.

For comparison, managerial/confidential employees who have at least one year of service must use 80 hours of accrued paid time off and then may have up to 90 days of paid disability for a medically certified disability, including pregnancy.

Of course, I would prefer not to vacate my seat, so I would ask the council's indulgence to grant a leave. Based on my due date (11 Aug), I anticipate that the last council meeting I will be able to attend is the meeting on 8 Aug 2006. I would ask that the council grant me a leave extending from the conclusion of that meeting or the date when my baby arrives, whichever comes first, for 90 days. In addition, I would request that all absences be considered excused and not PTO absences.

Thank you for your consideration.



Councilmember Melinda Hamilton